REMARKS

This paper is filed in response to the First Office Action. Several typographical errors in the written description at paragraphs 36 and 64-65 have been rectified. Claims 8-9, 11, 14 and 17 have been amended to correct minor typographical errors.

Claims 1-15 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by McLaren et al., U.S. Patent No. 6,678,712. Claims 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaren et al., further in view of Wanatabe, U.S. Patent No. 6,763,458. Respectfully, these rejections are traversed. Reconsideration and favorable action are respectfully requested, for the reasons set forth below.

McLaren et al. describe a data processing system in which a given application program can execute under one of a number of mutually exclusive operating systems. It is assumed that the program, which executes under a second operating system, is invoked while the system processor is executing a first or primary operating system. In response to such invocation, the system is forced to a quiescent state, the second operating system is loaded, and the program is executed under the second operating sytsem. When that execution completes, the primary operating system is re-loaded and resumes operation.

In contrast to the present invention, McLaren et al. "hibernate" the primary operating system; they do not remove it. Hibernation, by its very name, requires that the primary operating system remains intact in the data processing system; in this state, the primary operating system is merely dormant until the application executed on the secondary operating system completes its processing. Indeed, in McLaren et al. the data processing system could hardly "resume" its operation (Figure 5, at step 218) if the primary operating system were removed.

Each of the pending claims has at least several limitations that are neither disclosed nor suggested by McLaren et al.

At the outset, each of independent claims 1, 7 and 17-18 in the preamble describe the specific context of the present invention as a "method of replacing a first operating system." Each claim, in its body portion, also includes an affirmative step of "removing the first operating system from [that portion of a storage on which it was

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stored]." As noted above, McLaren et al. hibernate the primary operating system and then "resume" its operation when the application completes processing under the second operating system. McLaren et al. does not disclose or suggest actually removing the primary operating system from the computer or server (as the case may be), only suspending its operation.

In addition, each of independent claims 1, 7 and 18 assume (in the preamble) that the "first operating system" is already executing on the computer (or server) but nevertheless include an affirmative step of "remotely re-booting the computer (or server) to boot the first operating system" again. This remote re-boot of the computer (or server) to boot the first operating system – even though the first operating system is already executing on the computer (or server) – is completely absent from McLaren et al., which simply stops the primary operating system and hibernates it before loading and starting the second operating system.

Moreover, independent claim 1 further requires that the "second operating system" be copied onto the same bootable region from which the "first operating system" is removed, and that the second operating system be "remotely re-booted" to boot the second operating system from this bootable region. The other independent claims have similar features. This claim language further emphasizes the "replacement" aspect of the claimed invention, and these features are not disclosed in McLaren et al. either.

Further, independent claims 7 and 18 require explicit "packing" and "unpacking" steps or functions that are neither disclosed nor suggested by McLaren et al.

Several claim elements describe the specific storage locations of the first and second operating systems and how these locations are used to support the operating systems prior to or during the re-booting processes that are also affirmatively recited. McLaren et al. do not provide this level of specificity.

Independent claim 17 separately describes a method involving first, second and third operating systems, as well as a pair of remote re-boot steps involving the second operating system and then the third operating system. McLaren et al. describe no such method or method steps.

The Examiner is also incorrect that "remotely re-booting" is achieved by "anyone

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at a keyboard hooked up to the computer." (Office action at page 2, paragraph 2). The written description describes the invention in the context of a network 28, such as a local area network, or a wide area network (e.g., the public Internet). Indeed, one dictionary defines"remotely" in the computer science context as "located at a distance from another computer that is accessible by cables or other communications links," which is consistent with how one of ordinary skill would interpret the usage in the context of the written description. See, *The American Heritage® Dictionary of the English Language, Fourth Edition*, available at www.dictionary.com.

The Examiner's interpretation of McLaren et al. regarding at least dependent claims 13-14 is also incorrect. Claim 13 requires "preserving network configuration data used by the first operating system to enable the server executing the second operating system … to be reached at a network address used by the server executing the first operating system." McLaren et al. (at Column 9, lines 50-65, the portions cited by the Examiner) say nothing about "network configuration data" and, indeed, merely discuss "the hibernation process invalidating all information residing within memory regarding the state of the file system …(emphasis supplied)." Invalidation, of course, is the opposite of "preserving." Moreover, McLaren et al. operate their operating system hibernation technique within a single data processing system and thus would have no need to worry about "preserving network configuration data … to enable the [system] to be reached at [the] network address." They certainly do not discuss any such concept.

Claim 14 likewise requires "preserving security data used to control access to the server executing the first operating system to enable the server executing the second operating system … to be accessed using at least one security setting used by the server executing the first operating system." The portions of McLaren et al. (at Column 10, lines 10-45) are completely silent about "security data" or "preserving security data."

MPEP § 2131 provides that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. … 'The identical invention must be shown in as complete detail as contained in the … claim.' The elements must be arranged as requred by the claim." (citations omitted, emphasis supplied).

For at least the above reasons, the Examiner is incorrect that all elements or

steps of each of claims 1-15 and 18 are disclosed in McLaren et al. They are not.
Thus, the anticipation rejection should be withdrawn.

The obviousness rejection of claims 16-17 is also traversed. McLaren et al., the
primary reference, is deficient in at least the respects identified above. Wanatabe does
not fill in the deficiencies in McLaren et al.

A Notice of Allowance is respectfully requested.

Respectfully submitted,

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